

STATEMENT OF PURPOSE

RS27333 / S1220

This is one of a series of bills the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required by article V, section 25 of the Idaho Constitution. Actions to appoint guardians for minors or incapacitated persons are often filed and handled in conjunction with actions to appoint conservators for those same vulnerable persons. I.C. §§ 15-5-207, 15-5-310, and 15-5-407A, create conflicting notice and hearing timeframes for temporary appointments in these cases. Differing notice and hearing timeframes for cases being handled together creates unnecessary confusion for the parties and the courts. As a result, and in furtherance of the courts' effort to reduce confusion by establishing procedural time periods in seven (7) day increments, these statutes should be amended to set seventy-two (72) hour notice and fourteen (14) day hearing requirements for temporary appointments in both conservatorship and guardianship cases.

FISCAL NOTE

This proposed amendment will have no fiscal impact upon the General Fund, any other state fund, or local governments. Since the proposed amendment only seeks alignment of procedural timeframes for certain types of court cases, neither an increase nor decrease in existing or future appropriations or revenues is anticipated.

Contact:

Jason Spillman
(208) 334-2246

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).